

09/049, 927

Docket No. 254788US0CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Pascal ARNAUD, et al.

SERIAL NO: NEW APPLICATION

FILED: HEREWITH

FOR: ANHYDROUS COSMETIC OR DERMATOLOGICAL COMPOSITION CONTAINING THE
COMBINATION OF A SILICONE OIL AND A WAX MADE FROM AN ETHYLENE HOMOPOLYMER
OR COPOLYMER

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Petitioner, L'OREAL, is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of U.S. Application No. 09/049,927, Patent No. 5,750,095, and Patent No. 5,556,613, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Application No. 09/049,927, Patent No. 5,750,095, and Patent No. 5,556,613, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Your Petitioner does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of U.S. Application No. 09/049,927, Patent No. 5,750,095, and Patent No. 5,556,613 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of petitioner, L'OREAL, the assignee of the entire right, title and interest of the above-captioned application by virtue of an assignment from the inventor(s) of said application, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 7411, frame(s) 757.

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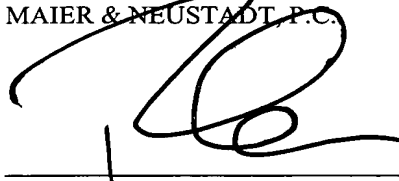
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor

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6/18/04

Date Signed

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